

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

| | | |
|--------------------|---|---------------------------|
| IN RE: |) | CASE NO. 13-16911 |
| |) | CHAPTER 13 |
| KIMBERLY A. STORMS |) | JUDGE MORGENSTERN-CLARREN |
| |) | |
| Debtor |) | |

MOTION TO AVOID JUDICIAL LIEN
11 U.S.C. §522(f)

Debtor, Kimberly A. Storms, by and through his attorney, moves this Court for an order avoiding the judgment lien filed by Midland Funding LLC, on March 20, 2013, against the Debtor's residence located at 6467 Clearair Drive, Mentor, Ohio, found at 13 JL 001472 on the records of the Clerk of Courts, Lake County, Ohio, since it impairs Debtor's homestead exemption rights. The Debtor states as follows for her Motion:

1. The real estate located at 6467 Clearair Drive, Mentor, Ohio, is described as set forth in Exhibit "A" attached hereto and incorporated herein.
2. Said real estate has a value of \$96,960.00 pursuant to the records of the Lake County Auditor.
3. Said real estate is encumbered by a first mortgage held by Chase Bank in the amount of \$122,559.42. A copy of the mortgage held by Chase Bank is attached hereto as Exhibit "B".
4. Section 2329.66(A)(1)(b) of the Ohio Revised Code provides the Debtor with a homestead exemption of \$132,900.00.

WHEREFORE, Debtor moves this Court for an order to avoid the judicial lien of Midland Funding LLC, since it impairs Debtor's homestead exemption under Section 2329.66(A)(1)(b) of the Ohio Revised Code.

Respectfully submitted,

/s/ David J. Sternberg
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CERTIFICATE OF SERVICE

A copy of the foregoing Motion to Avoid Judicial Lien was sent on this 5 day of November, 2013, via the Court's Electronic Case Filing System on the following who are listed on the Court's Electronic Mail Notice List:

Craig Shopneck, Chapter 13 Trustee, at cshopneck13@epiqsystems.com
U.S. Trustee's Office at ustpreion09.cl.ecf@usdoj.gov

And by regular United States mail, postage prepaid, to

Midland Funding LLC
c/o CSC-Lawyers Incorporating Service
Corporation Service Company
50 W. Broad St., #1800
Columbus, OH 43215

Midland Funding, LLC
ATTN: Highest Officer Found
8875 Aero Dr., #200
San Diego, CA 92123

Midland Funding, LLC
c/o Javitch Block & Rathbone
1100 Superior Ave., 19th Floor
Cleveland, OH 44114

Kimberly A. Storms
6467 Clearair Dr.
Mentor, OH 44060

/s/ David J. Sternberg
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